IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25247 of 2004

Between:

Tandra Rambabu S/o late Papa Rao, Agriculture, R/o Jaganadhapuram Village, Mulakapalli Mandal, Khammam District.

..... PETITIONER

AND

The Mandal Revenue Officer, Mulakalapally Mandal, Khammam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue such appropriate writ, order or direction to the respondent more so particularly one in the nature of mandamus declaring the action of the respondent in interfering with the peaceful possession and enjoyment of the petitioner in respect of the land to an extent of Ac.4.11 Gts in Survey No.177, Ac.4.19 Gts in Survey No.180 and Ac.13.32 Gts in Survey No.253 forming compact block, situated at Jaganadhapuram village, Mulkalapally Mandal, Khammam District, when the petitioner has been recorded as owner and possessor of the said lands in the record of Rights prepared and maintained as per the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 in respect of Jaganadhapuram village, Khammam District, as arbitrary, illegal and without jurisdiction and also in violation of principles of natural justice and as such violative of Articles 14 and 21 of the Constitution of India.

For the Petitioner: MR.V.T.M.PRASAD, Advocate

For the Respondent: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and with their consent the writ petition is finally disposed of at the stage of admission.

Petitioner claims to be absolute owner of Ac.4-11 guntas of land in Survey No.177, Ac.4-19 guntas in Survey No.180 and Ac.13-32 guntas in Survey No.253 situated at Jaganadhapuram village,Mulakalapally Mandal of Khammam District, having inherited the same from his father late Tandra Papa Rao. He states that his name was entered in Record and Rights prepared and maintained under the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 as owner and possessor in respect of the lands, and pass books were also issued to him. His grievance is that the respondent without having any authority and without giving any notice to him, tried to dispossess him from the lands in order to fulfill the target fixed by his superior authorities with respect to the decision taken by the State Government to distribute pattas to 10 lakh people before 26-01-2005 in the State. Assailing the impugned action of the respondent, the petitioner filed the present writ petition.

If the respondent intends to acquire private lands of individuals, he shall follow the procedure established by law and pay compensation to the individuals. If the land is a Government land, which is under encroachment, he shall follow the procedure under Land Encroachment Act, for eviction. Till then, the parties shall maintain status quo obtaining as on today as regards the possession of the petitioner. If the respondent has already followed the due process of law in the matter, he is at liberty to take consequential steps for eviction.

Accordingly, the writ petition is disposed of at the stage of admission.

_____

N.V. RAMANA, J

Date: 31-12-2004

Svv

To

1. The Mandal Revenue Officer, Mulakalapally Mandal, Khammam District.

2. Two C.Cs to the Government Pleader for Revenue, High Court Buildings, A.P.,Hyderabad (OUT).

3. Two C.D.copies.